

Appl. No. 10/748,651
Amdt. Dated 6/20/2005
Reply to Office action of 5/18/2005

REMARKS/ARGUMENTS

The Examiner is thanked for the courtesy of a telephone interview that took place on June 17, 2005, the substance of which, Applicant respectfully submits is set forth in the following remarks.

This Amendment is in response to the Office Action, mailed May 18, 2005, and reflects the amendments discussed with the Examiner in the interview.

As of the last Office Action claims 1, 2, 4, and 6-8 stand rejected under 35 U.S.C. § 102, and claims 3, 5, 9-23 stand rejected under 35 U.S.C. § 103.

As discussed with the Examiner, Applicant has amended independent claims 1, 10, and 17 to further clarify the embodiments of the invention over the prior art.

Reconsideration in light of the amendments, the interview with the Examiner, and the following remarks made herein, is respectfully requested.

Particularly, in view of the amendments to independent claims 1, 10, and 17, Applicant respectfully submits that the primary reference U.S. Patent No. 6,161,779 issued to Oyler et al. (hereinafter Oyler) neither anticipates nor renders obvious Applicant's amended independent claims 1, 10, and 17.

As discussed with the Examiner, Applicant respectfully submits that Oyler is related to a lawn fertilizing apparatus that is attached to a hose.

As set forth in Oyler: "What is particularly needed is a lawn fertilizing apparatus which can be quickly and easily coupled to and decoupled from a garden hose without spilling any of the residual chemicals remaining in the apparatus." (Column 2, lines 1-4, Emphasis Added).

In order to accomplish this, Oyler teaches a fertilizing apparatus that is attached to a garden hose in-line in a horizontal/parallel relation to the hose such that water flows through the apparatus in a direction parallel to the water input from the hose.

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In contrast thereto, Applicant's amended independent claims 1, 10, and 17 generally relate to a fluid diversion housing including a top plate and a bottom plate...the top plate and the bottom plate being secured to one another...the fluid diversion housing having an input port receiving a first section of an outlet pipe extending from the station of the irrigation system and an output port receiving a second section of the outlet pipe that provides fluid to the rest of the irrigation system...in which an in-flow channel formed within the bottom plate of the fluid diversion housing in approximately perpendicular relation to the input port...the in-flow channel being in fluid communication with the input port and including a down-hole for diverting fluid from the input port into the container...and an out-flow channel formed within the bottom plate of the fluid diversion housing in approximately perpendicular relation to the output port...the out-flow channel being in fluid communication with the output port and including an up-hole for diverting fluid from the container through the out-flow channel into the output port.

Applicant respectfully submits that nowhere does Oyler teach, suggest, or render obvious the limitations included in Applicant's amended independent claims 1, 10, and 17.

Applicant respectfully requests that the Examiner remove these grounds for rejection and allow independent claims 1, 10, and 17 and the claims that depend therefrom and to pass the case to issuance.

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Conclusion

In view of the remarks made above, it is respectfully submitted that pending claims 1, 3-8, 10, 12-15, 17, and 19-22 define the subject invention over the prior art of record. Thus, Applicant respectfully submits that all the pending claims are in condition for allowance, and such action is earnestly solicited at the earliest possible date. The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application. To the extent necessary, a petition for an extension of time under 37 C.F.R. is hereby made. Please charge any shortage in fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 02-2666 and please credit any excess fees to such account.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 6/20/2005

By

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Attachments

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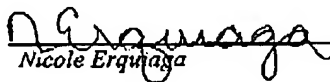
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Date: 6/20/2005


Nicole Erquaga

6/20/2005

Date